

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-504

In Re: PATSY JEAN LUX; In Re: HERBERT WARREN
LUX, JR.,

Petitioners.

On Petition for Writ of Mandamus. (CA-95-363-3)

No. 96-1009

HERBERT WARREN LUX, JR.; PATSY JEAN LUX,

Plaintiffs - Appellants,

versus

COUNTY OF SPOTSYLVANIA; COUNTY OF SPOTSYLVANIA
BOARD OF SUPERVISORS; RONNIE B. ACORS; MARY
LEE CARTER; JEAN W. JONES; B. JERRY MARCUS;
EMMITT B. MARSHAL; MARTHA B. MASTIN; JAMES B.
SMITH; L. KIMBAL PAYNE, III, County Adminis-
trator; LARRY W. DAVIS, County Attorney;
MICHAEL B. O'KEEFE, Assistant County Attorney;
SPOTSWOOD CONSTRUCTION LOANS, L.P., now L.C.;
KENNETH S. POTTER, Attorney; JOHN A. GIBNEY,
JR.; DAVID CLABO, City Planner,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert R. Merhige, Jr., Senior District Judge. (CA-95-363-3)

Submitted: June 20, 1996

Decided: June 28, 1996

Before HALL, WILKINS, and HAMILTON, Circuit Judges.

No. 96-504 petition denied and No. 96-1009 affirmed by unpublished per curiam opinion.

Patsy Jean Lux, Herbert Warren Lux, Jr., Petitioners Pro Se. Deborah Morgan Steeves, Montross, Virginia; James Joseph Burns, WILLIAMS, MULLEN, CHRISTIAN & DOBBINS, Richmond, Virginia; Robert A. Dybing, SHUFORD, RUBIN & GIBNEY, Richmond, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

In case No. 96-504, Petitioners seek a writ of mandamus for this court to direct the district court to allow discovery in their civil action in which the district court stayed discovery pending disposition of the Defendants' motions to dismiss. The district court has since dismissed Petitioners' civil action. Therefore the petition for mandamus relief is moot. Accordingly, while we grant leave to proceed in forma pauperis, we deny the petition. We further deny as moot Petitioners' motion for an expedited hearing.

In appeal No. 96-1009, Appellants appeal from the district court's orders dismissing their complaint and denying reconsideration. We have reviewed the record and the district court's opinions and find no reversible error.* Accordingly, we affirm on the reasoning of the district court. Lux v. County of Spotsylvania, No. CA-95-363-3 (E.D. Va. Dec. 22, 1995). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 96-504 - PETITION DENIED

No. 96-1009 - AFFIRMED

* We have granted the motions to correct the caption and have deleted named appellees Alan Potter, James Burns, and the law firm of Shuford, Rubin & Gibney, from the caption of this appeal.